

German philosophers, said: "If you find yourself in discord with your nation, follow but your conscience and give up your nation." I could go on for hours with similar quotations. Suffice it to state that every single German of true greatness analysed and branded certain shortcomings of the German mentality, and scores of them, through the centuries, lived in forced or voluntary exile.

We both claim to be "patriotic" in the best sense of the word, not in the blind sense of "right or wrong, it is my country", but ready to give our lives—even in a fight against her temporary rulers—if ever Germany could be raised again to her former cultural level: a culture which deteriorated through the gain of political power and which, through the former Kaiser's persistent efforts, and Hitler's, the successful painter's, leadership has arrived at the zero-point of a vacuum which nobody ever dreamed attainable.

We are "patriotic" insofar as we believe that the Germans—as all other members of the Caucasian race—possess abilities which should be put to work for the benefit of the whole world, their artistic talents, their manual skill, their industriousness.

We are, however, "unpatriotic" in our belief that other trends of the Germans (to name a few: their lust for power, their "discipline" which readily falls prey to all—good or bad—orders, their belief in their own superiority) should, through the hard way of defeat and the slow way of education, be once and for all exterminated.

We both are "patriotic" insofar as my wife adores German music and I adore German literature and its 16th century paintings; we are, however, "unpatriotic" enough to realize that all nations and all races contributed their part to the component culture of the Occident. With one word, we endeavor to be impartial and—inopportune as it may look in a period full of shortsighted nationalism—we tried and still try to be true "citizens of the world", critical

of all narrow-mindedness and ready to accept from all nations or races any contribution towards the common good of mankind.

.

We are not accused of anything and therefore are not in a position to focus our "defense" at any definitive point. As we are sure, however, that we always respect this country and its institutions and that nothing we said or did can be deemed inimical, or even to the smallest degree disloyal, we always believed that the whole action against us must be based either on willful defamation by some interested person or on correct but misinterpreted facts.

As the FBI assured me that the former is not the case ("We don't pay attention to mothers-in-law, neighbors or business partners"), we have been left guessing as to what part of our life could be so wrongly interpreted. We finally found but one explanation: that we became suspects on account of our life abroad.

For this reason I take the liberty to cover, in the following pages, six points which I consider important, namely:

- 1.) Why did I come to the United States in 1940?
- 2.) Why did I become a citizen of Liechtenstein?
- 3.) Who have been our friends and acquaintances abroad?
- 4.) Our trips to Germany.
- 5.) Can I be an agent of Hitler?
- 6.) Can we be Nazi sympathizers?

Should the authorities want to have any additional point covered, or to have additional questions regarding the above

points answered, we shall most gladly oblige; we have nothing to hide, but can only gain by thoroughness.

• • • • •
Part I

Why did I come to the United States in 1940?

I am fully aware of the fact that every person who has come to the United States after the outbreak of the European war is suspected to have come here for illegal purposes, but I hope that by fully explaining the four motives of my trip in 1940 I shall help the authorities to understand its reasonableness.

1.) *It was a routine trip.*

As the immigration authorities already know, I came here several times between 1924 and 1928, together with my father and my uncle, mainly to study modern machine tools and to buy millions of dollars worth of equipment for our factory. In 1929 and 1930 I spent here a full year in behalf of the General Motors Corporation to study manufacturing methods.

In 1931 I came over for negotiations with General Motors and sold them all of my German Opel Corporation stock for American dollars which Overseas Finance Corporation, a Swiss company which I control, upon my advice, immediately invested in this country in the form of fully or partly owned American corporations.

These corporations, all run by Americans, required a certain amount of control and, having been a director in five or more corporations, I came over between 1932 and 1938 on regular yearly trips. The trip scheduled for spring and summer in 1939 had to be postponed until 1940, as I was suffering from a compound leg fracture which kept me on crutches all through 1939.

2.) *It was an emergency trip, necessitated by the financial difficulties of the Hurricane Petroleum Corporation (Shreveport, Louisiana) in which Overseas Finance Corporation had invested over one million dollars.*

Hurricane Petroleum refined in three refineries close to 20,000 barrels of crude per day, but after the Madison trial of the big oil corporations the gasoline prices declined and the majority of independent refineries got into difficulties. All through the fall of 1939 and the spring of 1940 Overseas Finance Corporation poured all available funds into the Hurricane Corporation, and the main purpose of my trip in 1940 was to look into the Hurricane situation and arrange if possible some additional financing.

The negotiations, however, were resultless and in the summer of 1940 the corporation went into bankruptcy which—as I had personally guaranteed the biggest outstanding accounts—caused a total loss of about \$700,000.00.

3.) *We had planned a trip through the USA and Canada.*

In the spring of 1940, on reports of the co-directors, I still thought that—as Hurricane was basically sound—a permanent bank loan would help it out of the temporary crisis. I believed that I could easily arrange in New York for additional funds within a few weeks and would then be free to take my wife and her friend, Mrs. Annemarie Clarac-Schwarzenbach, for an extended trip through the United States, Canada, and, time permitting, Alaska.

As I wanted to spare my wife a month of New York heat, we had arranged that she should follow me from Switzerland a month later and we had intended to leave New York immediately upon her arrival.

Mrs. Schwarzenbach (who died in November, 1942) was a well known Swiss writer (married to a French diplomat) who had traveled extensively in the United States, India, Iran, Irak, and Russia. She had lived in a neighboring

village in Switzerland and was our house guest there and here for more than a year. By her publications she was known to be most ardently anti-fascistic and she was for this reason persona non grata in Germany and deported from there by the Nazis. She worked mainly for the "Basler National Zeitung", the leading paper in the Swiss fight against Nazism.

For our contemplated trip Mrs. Schwarzenbach had entered into contracts with the "Basler National Zeitung" and other papers. We had several discussions with the Swiss General Consul, Mr. Naef, and the Canadian Ministry in Washington. Photography being my hobby, I had taken all my equipment along and had promised to act as photographer and cameraman.

The trip, however, could not take place, as my negotiations in the Hurricane matter had failed and I had to remain in permanent reach of my offices. For this reason the three of us spent the summer in the little village of Siasconset, Nantucket Island, Massachusetts, where I had rented a small cottage of Mrs. Jerome Zerbe, the mother-in-law of Mr. Roy Larsen, president of the "Life" magazine.

4.) *My personal safety.*

The fourth and most compelling reason for my trip to the United States was my personal safety. At the time the European war was declared, every German of fighting age living in Switzerland was called to the colors. The order was several days later rescinded but I had not gone and was afraid that it had become known in Germany and that sooner or later I would be called again.

As a youth I have served in the first World War and was distinguished for bravery. I was, however, not willing to serve a second time in a cause I could not believe in, nor in any cause led by a Hitler. I knew that the refusal to return to Germany for service would establish me as a

"refractaer", an offense which in wartime carries a death sentence.

As the Nazi army seemed stalled in front of the Maginot Line, it was feared in Switzerland that Hitler might choose to occupy part of Switzerland for the purpose of outflanking the French fortifications. Mrs. von Opel particularly was rather nervous and scared, being afraid that in the run of an occupation the Nazis might get hold of me and punish me for my refusal to serve, or my other "crime", the change of citizenship. Regarding the latter, the Nazi doctrine (in sharpest contrast to the American principle recognizing the right of expatriation) regards a German eternally bound to its nation, no individual has the right to decide his own fate, and whoever chooses to emigrate for personal reasons is considered a "traitor to his nation". The American view is set forth in Revised Statutes, Section 1999:

"Right of expatriation.—Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic."

This fear of Mrs. von Opel (I at that time felt rather downcast and resigned on account of my injury) was intensified by the following incident: the world champion figure skaters, the Germans Herber-Bayer (whom I had known for years, as they daily had practiced on the rink in front of our house) had telephoned the manager of the St. Moritz Stadion regarding an ice show and had asked him to find out whether I could accommodate them for a few days as, on account of the war, they could not obtain enough Swiss funds. Having my affirmative answer, the manager wired them that they could stay with us at any time. However, they did not arrive, and weeks later Mrs. von Opel heard that they had strict orders from the Nazis not to see me any more on account of the fact that I harbored in my house refugees and exiled people and that—after England and France were in a state of war with Germany—I nevertheless continued to have English, French, Belgian, and other “enemy” guests.

May I add that the above-mentioned reasons for my stay in the United States, namely the liquidation of Hurricane and my fear of political persecution, were already mentioned, in October, 1940, in my application for an extension of my visa.

Part II

Why did I become a citizen of Ljeshtenstein?

When I had left Germany in 1929, I was general manager of the Opel Corporation and in possession of a still valid contract by my family which gave me an income of around \$50,000.00 yearly. It was the wish of General Motors, the new owner, that I should study their operations inside and outside the United States for several years and that I then should return to the management of the Opel Corporation.

However, when the time for my return came at the end of 1931, I refused. I owned at that time 10% of the outstanding stock of the Opel Corporation, a company which, before and after the acquisition by General Motors, netted twenty million marks a year, 10% of which would have given me had I chosen to return to Germany, a very considerable income. I did not, however, believe in Germany's economic stability or its political future, and for this reason I exchanged my German holdings for American ones and did not return, but took up residence in Switzerland.

My attempts to immigrate to the United States

—Already at this time I thought of changing my citizenship. As the Swiss regulations require a very long residence in Switzerland, I could not become Swiss, but I could become American through immigration. I discussed this matter in the early thirties with a New York lawyer, whose name I do not recall at present but whom I can locate if necessary. He suggested that I should go to Canada, ask there for an immigration visa, and then immigrate from there to the United States. This suggestion I followed: in the summer of 1932 or 1933 I traveled by railroad to Canada, but was stopped at the border and not permitted into Canada because my American visa was good for one entry only, which already had taken place, and the Canadians did not want to take the chance that, in case my immigration visa should be refused, I could not be sent back to the United States. I returned to New York without result and paid half of the agreed fee to the lawyer (\$200.00).

Shortly after this time the persecution of the German Jews began and the immigration quota was filled for years in advance. Nevertheless, in 1936, through recommendation of General Motors, I succeeded in obtaining my papers for immigration from the American General Consulate in Zuerich, Switzerland. However, when I was about to sail

for New York, I received a cable from a business associate warning me against entering American soil. The reason was that a former Wall Street broker by the name of Cole had started a suit against me in the amount of \$500,000.00, and for obvious reasons I was advised not to establish legal residence in the United States before the suit was settled. I canceled my trip to New York and arranged instead a meeting with my associates and my lawyer, Kresel, in Montreal, Canada. (There too I was served a summons, but without legal consequences. The whole suit, a typical example of a nuisance suit, was, about a year later, settled for around \$15,000.00).

Not having been able to immigrate as planned, my papers expired, and it was thereafter hopeless to apply for admission, as the rising persecution of the German Jews caused delays of years, the more so on account of a regulation which does not permit that visitors' visas are given to people who applied for an immigration visa. Had I applied for an immigration visa in 1937 I would have been barred from the necessary visits to the United States for a number of years. This situation still existed in 1940. In the spring of 1941 Mrs. von Opel immigrated from Cuba. I did not join her, being afraid that—pre-examination not yet possible and my papers not complete—I might get delayed in Cuba, as other people did, for an indefinite period.

As I considered it impossible in 1938 to obtain a new quota number for immigration within a reasonable length of time, but wanting more than ever to drop my German citizenship, I discussed the matter with different people and learned that, in all but two countries (Panama and Haiti), naturalization could be obtained only after years of residence. One friend, Dr. Frankenberg, had become a citizen of Haiti, another friend, the exiled German writer Remarque, a citizen of Panama. We, however, hesitated

to become subjects of such remote countries, the language of which we could not speak.

I then discussed the matter with my lawyer, Dr. Henggeler, in Zurich, who told me that Switzerland could not waive its requirement of long term residence but if I should become a citizen of Liechtenstein I would be represented by Switzerland just the same. He said he was going to discuss the matter with the Liechtenstein government. This discussion took place in 1938 or early 1939, in any case long before the outbreak of the European war.

I learned from Dr. Henggeler that Liechtenstein upon the request of Switzerland was about to strictly limit naturalization but that we, who were known to the Swiss for so many years, would still be admitted if we applied immediately. I immediately filed my application through Dr. Henggeler but expressed the wish that it should not yet be put before parliament for voting but kept pending for the time being. This being agreed upon, I had reasonable time to obtain, if possible, the proper consent of the German military authorities releasing me once and for all from military duty.

I tried in three different ways to obtain this release:

1.) Dr. David Gros, attorney-at-law in Berlin, discussed the matter with the army officials in charge, but the release was denied.

2.) After the outbreak of the European war in September, 1939, the matter became burning. I was still being German—geographically trapped in Switzerland and should the Nazis invade the country, bound to be persecuted. (See Part I #4, "My personal safety".)

Mrs. von Opel became panic-stricken and she urged me to leave no stone unturned and insisted that I at least make a try to get the assistance of the Diplomatic Service. In the eight years I had lived in Switzerland I had never met

one single member of the German Diplomatic Service and I had seen but once, in passport matters, the Davos Consul.) Much against my better judgment, I yielded to my wife's pleading and discussed the matter with one of the secretaries of the German Ministry in Bern, Switzerland, Mr. von Bibra, either in September or October of 1939. As events subsequently proved, I should have followed my own judgment, because my negotiations with Mr. von Bibra led to such misunderstanding and misinterpretation by the British Intelligence as well as by the Swiss Alien Police. Fortunately enough, my two or three telephone conversations with Mr. von Bibra, as well as Mrs. von Opel's more frequent talks with Mrs. and Mr. von Bibra, had all been recorded and could easily be explained. I assume that it was for this reason that the British detained me temporarily in Gibraltar, but after eight days I was released, after my English friends and the Swiss Foreign Office had intervened (my immediate release took place in spite of the fact that technically my change of citizenship took place after the outbreak of war between England and Germany).

A few days after the outbreak of the war (the first days of September, 1939), I wrote a letter to the German Embassy at Bern from Zurich where we were staying with Dr. Frankenberg, and was given an appointment by telephone with Mr. von Bibra, the Secretary. A day or two later, Mrs. von Opel and I drove to Bern to keep our appointment. At first Mr. von Bibra was very curt with us because, as he told us later, he had been advised by the Consul at Davos that Mrs. von Opel was non-Aryan. Upon questioning her about her family, he learned—to his seeming delight—that Mrs. von Opel's aunt was the beloved 'Auntie Enting' of whom his young wife frequently spoke, both families having been farm neighbors and the closest of friends in Mrs. von Bibra's childhood. (Indeed, later

when the von Bibra came to St. Moritz, they had a happy reunion with "Aunt Enting" at our home.) He asked us if we would take dinner at his home and we, thinking to make the most of his seeming good will, accepted. He telephoned his wife, and we spent an agreeable evening, Mrs. von Opel talking "Aunt Enting" to Mrs. von Bibra, and I presenting my problem to Mr. von Bibra.

I explained to him that I had left Germany ten years before; that my interests were all abroad; that I wasn't a Nazi, as he well knew; and that, as my accident had permanently crippled me, my release from the army would not matter anyhow. I told him frankly that I had applied for Liechtenstein citizenship and was planning to emigrate to America, but that for reasons which were fairly obvious I wanted to obtain the proper release from military service, which meant to me assurance of my and my father's safety.

In the course of the evening two things became clear: that Mrs. von Bibra felt very much attached to Mrs. von Opel, and that Mr. von Bibra, who was known as a cold-hearted official, could act very understandingly when confronted with the problems of a man whom, though of other opinion, he at least could respect. He promised to be helpful and he really tried his best, but to no avail; he could not get the release for me.

(May I add that my negotiations with Mr. von Bibra were mentioned in a letter written in December, 1941, addressed to the Maritime Commission and FBI.)

3.) I at last asked a Berlin banker, Dr. Pilder, whom I had met by chance in Zuerich and who was known to have good "connections" in official circles (to use American slang, he was known as a "fixer"), whether he could arrange the matter. He replied after some time that I could get the release if in exchange I would transfer one million dollars back to Germany (apparently to be put in the army's "war chest"). Many deals of similar or even more

corrupt kind were going on at that time—in a country which never before knew such things—(especially the extortion of money for exit permits of Jewish refugees), but I was neither willing to become a sucker nor did I see fit to suddenly reverse a financial policy of nine years standing by exchanging a million dollars for a blocked account of doomed paper marks.

I underwent the above endeavors for two reasons. I knew that, according to the German citizenship law, I would automatically lose my German citizenship through the mere petition for another citizenship (to-wit, page 82 of Department of State Publication 1864, Government Printing Office). However, every German-born up to the age of 50 or 60 is a member of the army reserve and the law provides that these "reservists" in cases of emigration or change of citizenship have to obtain the consent of the military authorities. This consent—whether given or refused—has, of course, no bearing on the validity of the naturalization, but any offense of this regulation throws the offender open to prosecution by the German military authorities. I did not feel too safe in Switzerland after war was declared. All lines of retreat to the United States were either cut off or German-controlled, and there was even a chance of an invasion of Switzerland. A consent, which is nothing but a permanent release from the service in the army, would have safeguarded me personally.

The second reason was that I wanted to spare my father any avoidable embarrassment. His own and his brother's extremely severe punishment in 1935, the sentencing of my sister, in absentia, to a prison term in 1937 or 1938, and finally the additional losses he had suffered through the manipulations of a trusted banker, not to speak of repeated threats by the Nazis (he was ordered to the Governor's, a former mail clerk's, office just for this purpose on Christmas Eve, 1938, at the holiest hour of the year)—these and

other events had already done so much damage to his health (he was seventy years of age) that I wanted to spare him any new excitement. I was sure that the Nazis would not harm him bodily, but I felt that even "a war of nerves" was already too much for him. As much as I hate crooked ways, I must admit that I was ready to bribe, either by paying cash or even by giving a "good time" to any official, if I thus could arrange the "consent" and safeguard my father and myself. I am convinced that any other responsible person in my place, having to deal with Nazis, would not have acted differently.

After the above described efforts for my release had failed, I immediately asked the Parliament of Liechtenstein to act upon my pending application, if possible in a secret session. I wanted to avoid any publicity before I had left Switzerland and had passed through Italy.

My naturalization in Liechtenstein became generally known through newspaper and radio reports about my detention in Gibraltar (April, 1940). At what prior time my naturalization was reported to the German ministry I do not know. I am, however, certain that no report reached Berlin before I had left Switzerland and was out of the reach of the Italian agents of the Gestapo.

This was due to the generosity of Mr. von Bibra who had risked his career by delaying the report. He did it—and both of us shall always consider it a very gentlemanlike act—upon the fervent pleading of Mrs. von Opel who was haunted by the fear that I would get arrested by the Gestapo either in Italy or Spain. This unselfish act (he had everything to lose and nothing to gain by it) was never mentioned between him and me but I felt, when I left Europe, I should tell him that I was aware of and deeply appreciated his fairness. When I said goodbye to him over the telephone I felt it was a goodbye forever, spoken to a man who—had not a Hitler broken the world apart and distorted the human souls—would have been an asset to

his country. (When I said he risked his career I meant it literally: Mrs. von Opel received last year a letter from a friend mentioning that Mr. von Bibra got severely reprimanded for having "helped us without the consent of his superiors".)

It always seemed strange to us that a diplomat of the "Third Reich" acted in such a manner. We—for years—searched our souls for an explanation, not for the purpose of analyzing this single incident but to find the key to the heart of the German aristocracy. True that he was deeply fond of Mrs. von Opel and her idealistic outlook on life, true that he liked her sense of humor with which she bridged even the unbridgeable. But above all, though he never admitted it with a single gesture, I am convinced that subconsciously he realized that ours was the side of the fence on which he also belonged—though for different reasons—and in helping us he did for others what he himself would have liked to do.

He, as a member of one of the oldest aristocratic families (nobilitated by Charlemagne in the 8th century and still living in the same thousand years old castle), felt, I guess, the instinctive inborn antagonism of a nobleman towards a Hitler, of not only low but dubious parentage, of a gentleman (at least in the sphere of his private life) towards a crook, the mental reserve of an educated man towards the cheap generalities of a rabble-rouser, and last but not least, the antagonism of the frustrated and disinherited ones towards the man in power.

The reactionary class in Germany (largely represented among diplomats, high officers and landowners) will never be able to find an excuse for its Frankenstein act (creating the monster Hitler for opportunistic reasons); but nevertheless it is upon the awakening of their dormant hatred for Hitler that the chance of the world for a short war is resting. The German revolution will be carried out but not started by the enslaved working classes: the first shot

will be fired by a member of the above-described reactionary class and at the exact moment when this class realizes that the hope for final victory has definitely gone. It seems that Hitler tries to forestall such a development by replacing leading officers and diplomats by the dozen, even if he has but inexperienced party men to replace the experts, this dilemma being the grip of fate which ultimately is going to strangle Hitler.

The moral reasons for my change of citizenship I have already touched upon. The practical reasons were four-fold, one as urgent as the other:

1.) *Economical reasons.*

When I had decided not to return to Germany in 1932, I immediately felt that I should arrange my citizenship. The reason was that I did not feel safe economically as a subject of Germany. In one case already a retroactive law had been issued (summer, 1931) which tried to force emigrated people and emigrated capital back into Germany. I deemed it wiser to safeguard myself against such developments and I tried, naturally, (in 1932 and 1936) to immigrate to the United States, the country to which I was bound mentally and economically.

2.) *Political reasons.*

Politically the reasons were not less urgent. I felt that by surrendering my citizenship and becoming a citizen of another country I would be spared any contact with Nazi officials in passport matters and I would be protected against all undue demands.

There is no better witness for this state of affairs than the Department of State, which, in a publication on fifth column activities, writes as follows:

"Now to be a German citizen and to be known to the Nazis is to be in power of the Nazis. So long as you do not surrender your nationality, the Buttings (id est, a resident Nazi leader in a foreign country) are able to coerced or blackmail or bribe you into doing their bidding. They can break you or they can induct you into the Party—exactly as these vest-pocket Robespierres choose. That you happen to reside outside Germany makes no difference. You are their man..."

How true this statement is I learned for myself when my passport had expired and I was refused an extension by the German Consul in Davos, Switzerland. Only after a "voluntary" donation for "welfare" work was a new passport issued to me.

A similar incident happened to my wife. She was told by the same consul that—on account of her Jewish sounding name—he would not extend her passport unless she would bring an "Ariernachweis", a document showing that the parents as well as the grandparents of the applicant are non-Jewish but fullblooded "Aryans". This document can only be obtained from some office affiliated with the Nazi party. (Rasseamt: i.e., office of racial documents). This requirement was one of the many means to investigate people and to keep track of the Germans in foreign countries. Mrs. von Opel, who was not willing to apply for such a rigamarole, was facing the fact that, beginning February, 1940, she would be without a proper passport.

3.) *Only as a citizen of a neutral country could I pass the British blockade.*

As explained in Part I, I had to go to the United States for personal and business reasons. There were but two

ways open: I could either travel through France and take a Portuguese steamer, or I could take an Italian steamer and travel past Gibraltar. No German citizen could use either way, because France and England were at war with Germany and permitted passage only to Jewish refugees with a "J" passport or other identification by Jewish organizations. This made it imperative for me to become a citizen of a neutral country.

In spite of my naturalization in Liechtenstein, I was detained by the British authorities in Gibraltar, but immediately released after the Swiss Foreign Office and our friends in England had intervened in London and my political status as well as my status as a Liechtenstein citizen had been clearly established. My release took place even though I had become a subject of Liechtenstein after the declaration of war between England and Germany.

4.) *Visas to the United States were not obtainable on German passports.*

We were informed that the American General Consul in Zuerich, Switzerland, refused to issue visas on German passports. I do not know, however, whether he acted this way under general instructions from the Department of State; but the fact is that numerous people could not obtain visas on regular German passports. Even after we personally had received our visas as Liechtenstein citizens, we were refused the visa for my wife's only living relative, an aged aunt, who had lived in Italy for fifteen years but who still was a German citizen.

.

PART III

*Who are our friends abroad?
Are Nazis among them?*

In our hearing we were asked whether we know any "Nazis". We both have lived in Germany close to thirty years, and it is natural that Mrs. von Opel during her former connection with the stage met many people, particularly artists, as well as that I met hundreds of businessmen, the majority of them being our suppliers or dealers. However, since we had left Germany in 1929, we met only a very limited number of people and particularly few Germans. I do not mix easily with people. I loathe society and its shallow doings. I hate big parties or public places. I do not even possess a tailcoat or even a starched collar, the requisites of a social life. In addition, my hearing is hereditarily impaired insofar as I am unable to perceive a conversation in noisy surroundings. I am not a hermit but, being able to visit with the greatest minds of all times through the medium of their writing or art and meeting them in such way in their very best and concentrated form, I believe—and I always acted accordingly—that gatherings of human beings should be limited to the sole purpose of creative discussions.

If it were not for Mrs. von Opel, who takes a lively interest in human beings, particularly in artists (a friend called her once a "collector of crackpots"), I would hardly know anybody except business associates or sportsmen. For this reason it happens that every single person named below (with the exception of the banker, Dr. Frankenberg, and Ernst Udet) was first known to Mrs. von Opel and without exception invited to our house by her.

I have no friends at all in Germany and even Mrs. von Opel had but six people she had any amount of contact with: a former actress who is now an interior decorator

(she decorated our house in St. Moritz), her dress designer, and his wife, a well-known musician and his Jewish wife, and her best friend, a writer and philosopher. None of these people is either a party member or a sympathizer of the Nazis, but, as everybody else, they have to keep their mouths shut; in their few letters to Mrs. von Opel they could only by the help of hidden meanings hint their dislike of the happenings of the political scene.

The names of these people I omit, as they are apparently of no interest. However, in the hearing we were asked about three people who at some time or the other were in the limelight. They are:

- 1.) In 1921 I met in motorcycle races as competitor the former war ace, Ernst Udet. As he had the same hobbies as I: racing, flying and skiing, I saw him occasionally at competitions.

After I had left Germany in 1929, I saw him again in St. Moritz, where he made additional shots for a movie he and Leni Riefenstahl had begun in Greenland. He took me for a mountain flight, dropping me on skis on one of the neighboring mountains, and I invited him as a house-guest twice between 1931 and 1934. He at that time made a lot of money through his movies and stunt flying, and he was for all purposes an amiable kind of carefree bohemian.

Around 1935 the German air corps offered him the position of Inspector-General. To our all surprise he accepted, but he soon regretted it. He was not allowed to fly any more but was forced to sit in an office and do paper work which he hated. To make matters worse, he felt trapped as a tool of a system which was in contradiction to his very nature.

About Udet's feelings towards Nazism there is no better witness than Martha Dodd, daughter of the American Ambassador to Germany, who writes about him enthusiastically in her book, "Through Embassy Eyes" (pages 261-266). She speaks there about "his love for everything

American", his "international spirit", and concludes: "Though he never admitted it, I thought Udet was miserable the last two years (1936-1937) in Germany."

That is exactly right. His personal freedom was gone, his whole life was censored, and he could not even dare to be seen in public with many of his former friends nor to invite them to his own flat as always before. Once more, however, in 1938, he wanted to see us and he arranged a dinner among the four of us in his girl friend's apartment. We shall never forget this evening. He seemed rather depressed and so, to cheer him up, we spoke to him about the many humorous adventures we had together, addressing him by his old former nickname, "Wolkenvogel" (Bird of the Clouds), and he, the general, the war ace, the daredevil, he began to cry like a child, suffering a complete nervous breakdown. He knew he could trust us, and we never again heard such an outcry against Nazism, such a revolt of a liberty-loving individual against a merciless system which had put him in chains. We were sad when we parted. We felt that he was doomed. And when a year ago the news did come about his accidental death, we did not believe it. We know for sure that he ended by suicide, his only way out of a dead-end street.

2.) We both knew superficially, for about fifteen years, the dancer and actress, Leni Riefenstahl. Most of her movies were made in Switzerland where she used to live the better part of the year, particularly in wintertime. She always had three or four of the best Australian or Swiss skiers around her, and in my capacity as organizer of ski races for the international St. Moritz Sport and Skiing Club I invited this group twice to compete in our events. As these skiers are notoriously broke, it is a habit with all clubs and at all places to arrange with club members or local people for their lodging. Twice, in the years between 1934 and 1938, Miss Riefenstahl and two or three of her

friends have been our houseguests, both times for the duration of international competitions, that is less than a week.

Miss Riefenstahl was not a party member, and she was not at all interested in politics. She was, however, an ardent admirer of Hitler's personality, to whom she looked up as a kind of deity. Many people consider her as an opportunist because she has made a small fortune by the direction of the movie of the Olympic Games. We do not share this view. We consider her as the purest example of a fanatic whose belief knows no reasoning. There was no chance to argue with her. Hitler was always right by the power of "divine intuition," even if we mortals could not fathom his genius. That he did not see the vices and crimes committed by his closest associates was due to the fact that "he is so pure and innocent." The reports about cruelties in concentration camps could only be lies for the simple reason that "Hitler in his sense of justice would not allow it."

Miss Riefenstahl was a case of prepossession, not even rare among women. The British girl, Unity Midford, is another example, and we met even an American (the lady mentioned in Mr. O'Connor's affidavit) who was to the same extent in the spell of Hitler.

Apart from this peculiar frame of mind, we both liked her. We would not call her a friend, both being on the stiff "Sie" term with her, but she was without doubt a gifted artist, a beautiful woman, and, above all, as crazy and daring in skiing as I. She was the only woman, expert and courageous enough, to blindly follow me whatever difficult track I chose. She was in the best sense of the word, a "good sport," and we thought of one another: too bad that such a nice person must harbor such crazy views, but time and events will certainly bring out a cure.

In the summer of 1936, apparently in exchange for our hospitality, Miss Riefenstahl asked Mrs. von Opel whether she would care to stop on her way to St. Moritz in Nurem-

berg for a day or two. Miss Riefenstahl was there to make some additional shots for the movie on the Olympic Games at the occasion of sporting events which took place in connection with the yearly party gathering. Mrs. von Opel did not want to go, but I convinced her that it was worthwhile to study this famous mass meeting which year after year had attracted hundreds of diplomats and distinguished foreigners. For a private person it was impossible to be admitted, but under Miss Riefenstahl's guidance there was a first-class chance to watch from close quarters all the big-wigs and their antics.

Mrs. von Opel went there for two days. The first evening while Miss Riefenstahl and Mrs. von Opel, together with a cameraman, were taking their supper in the large diningroom of the hotel "Deutsches Haus," Hitler and a dozen of his men had theirs at a corner table reserved for them. After a while Hitler saw Miss Riefenstahl and his officer-in-charge came over and said, wanting to be funny: "By order of the Fuehrer you are arrested." He conveyed both of them to Hitler's table where Miss Riefenstahl introduced Mrs. von Opel. Hitler had apparently mistaken her for an actress friend of Miss Riefenstahl, and upon hearing the name Opel and seeing her lipstick and red fingernails he turned abruptly around and did not speak to her at all. (Even more significant for the warrior manners of the Third Reich is the fact that Mrs. von Opel was not allowed to drink the wine and water she had ordered. "At the Fuehrer's table there is no alcohol permitted," and that, with the exception of Hitler himself, nobody got up from his seat when the ladies arrived.)

Shortly thereafter it became clear why Miss Riefenstahl had been particularly interested to see Mrs. von Opel. She was terribly in love with an American Olympic champion and, not being able to write English fluently enough, she asked Mrs. von Opel to compose a love-letter. From time to time it has been rumored that Miss Riefenstahl was

"Hitler's girlfriend". The same questionable honor has been conferred upon Unity Midford. Aside from whatever doubts there may be as to the Fuehrer's predilection for women, Miss Riefenstahl would have followed her Olympic hero here at a moment's notice had he seen fit to encourage her.

3.) Dr. Rudolf Diels was an official of the former Prussian government, in charge of the state police. Being an expert in police matters, he was continued in service for one more year. Mrs. von Opel met him in 1933. He was at that time the most intimate friend of Martha Dodd, the American Ambassador's daughter, who writes about him extensively in her book, "Through Embassy Eyes". She says there: "the third most-unusual German I met with any degree of friendly intimacy"; she calls him an "opportunist", and concludes: "I am also equally convinced that he was and is no more of a Nazi than many of the others who give lip service to Nazism for their personal and political reasons". Be that as it may, the chief of the German police got rather drunk when Mrs. von Opel met him for the first time, and it really was "unusual" that he immediately began to abuse—to Mrs. von Opel's surprise and delight—the whole Nazi system, particularly its "big shots". Nervously shaking, he confessed that he had not known what he was up against when he "joined the gang", that he could not stand it any more, and that he wanted to quit if he could only find a way out.

Such open outbursts must have happened quite frequently. Miss Dodd describes several of them. She writes: "he became more neurotic and full of obsessions than anyone I knew in Germany . . . he felt he was constantly facing the muzzle of a gun", and at other places she says: "he was like a frightened rabbit . . . in fear of imminent assassination . . . because he knew too much." I venture to say it was less his knowledge than the fact that he could not hold it which got him into trouble. It was

almost a miracle that he escaped the blood-purge and, though one must take whatever he says with a grain of salt, I am inclined to believe that only his connections with the American Embassy helped him through the crisis.

(When Mrs. von Opel visited Miss Dodd in 1941 in her country home in Connecticut, she was not at all pleased to be reminded of this and similar happenings, having married in the meantime the rather pinkish Mr. Stern.)

Dr. Diels was dismissed several months before the blood-purge and given an administrative position, first in Cologne, later in Hanover. He subsequently resigned and returned to private employment in the industry.

He is not at all a friend, not even a close acquaintance of us. We are not on "Du" (thou) terms with him, as used among friends, but on the conventional "Sie", I even addressing him as "Doctor Diels" which is rather formal among social equals. He came to our house, the first and only time, in the winter of 1936. He had come to Switzerland for his vacation, and asked Mrs. von Opel by telephone whether he could come to see us. He had bought a rare kind of falcon and wanted her to take care of the bird for a few days. (It is this falcon the FBI took so much interest in). He himself arrived three or four days later and spent less than a week with us. Our houseguests at the same time were the Spanish tennis star and skier, Lily Alvarez, and the Belgian Countess de Changy with her two children. I saw Dr. Diels only once more for any length of time, when he came for a couple of days to the Isle of Sylt to train a young hawk. He was not our guest, but Mrs. von Opel kept his hawk for about a week.

(For the sake of completeness, I should not forget to mention that I know two or three of the really leading Nazis, namely, Minister of Justice Kerrl, Secretary of Justice Freissler, and Secretary of State Koerner. These gentlemen conducted the procedure against my father and uncle and cross-examined me as a witness. Neither of

them I saw again after the "shakedown" in 1935. As to my feelings for them, I can only say I hope to be present when they are strung to their lampposts.)

After having discussed our Nazi "friends", I believe that for the sake of fair judgment I should be allowed to point out who, in fact, our friends are, people who knew us numerous years from Europe, people who lived with us for years and who were in daily contact with us.

1.) During the last years Dr. Hanns Frankenberg became our most intimate friend. He was born in Austria of Jewish parentage and is now a citizen of Haiti. He was my business associate for the last ten or twelve years, and since the outbreak of the European war we practically lived together. He sailed over together with Mrs. von Opel and Mrs. Schwarzenbach, and there were few days in Switzerland or in this country when we did not see each other, telephone, or at least correspond. He is a man of extreme culture with a rare sense of humor and fond of all things we like. Does it seem feasible that this man who knows me and my family since twenty years, who knows my business, my hobbies, my talents and my weaknesses almost better than I do, that he has not a clear picture about me and my views? Would he befriend a man with barbarian concepts, a man who is not fair and liberal as he himself?

2.) Another friend from abroad is Erich Maria Remarque, author of "All Quiet on the Western Front". He, the first German writer attacked by the Nazis and subsequently expatriated, would he seek our company and live with us for months at a time if he did not consider us congenial? Would we, in turn, if we sympathized with Nazi views, harbor an exiled enemy of them?

3.) The anti-fascistic writer, Annemarie Clarac-Schwarzenbach, I have already mentioned in Part I. Suffice it to say that she, a person of the utmost sensitiveness, certainly would not have borne for years the atmosphere of even faint fascism.

4.) The novelist, Hermann Kesser, delegate of Switzerland to the P.E.N. Club conference at the World's Fair, knows Mrs. von Opel closely since 1923 and me since 1929. He, another liberal writer, distinguished by none less than President Masaryk of Czechoslovakia, was our house-guest in St. Moritz and over here. I venture to say that Dr. Kesser in his capacity as psychologist should certainly possess a more than average insight into his friends.

5.) Mrs. von Opel's very close friend, the friendship inspired through their mutual love for dogs and horses, is Mrs. Alice Burschall, a British subject of Jewish parentage, born in India and now living in London. Mrs. Burschall, once very rich, lost her fortune and was running a riding academy in Berlin. Her friends were exclusively British and American people, mostly diplomats, among them the now Egyptian Ambassador in London, Machat Pacha.

6.) There is Prince Friedrich von Preussen, grandson of the former Emperor Wilhelm II. He spent the decisive years of his life, winter for winter, in St. Moritz in our house. We freed him from his prejudice, we taught him to see the shortcomings of his family and the reactionary circle around them and, above all, he learned to understand the utter stupidity of nationalistic concepts. He was to both of us like a younger brother, and he had and still has the same feelings towards us.

He once told us that his father wanted him to enter the German diplomatic service under Ribbentrop. We told him bluntly that we considered his father's flirting with

the Nazis as disgraceful and undignified and that he as a decent person should not—by becoming a German diplomat—join hands with “criminals”. In a letter, seized by the FBI but never used in our favor, he reminded us of this discussion and how happy he now is (after the beginning of the war) that he has followed our advice and not joined “those criminals”.

We had further advised him to go to England and enter into a business career. He did so. About his feelings and his character, I need not say more than that he, the Prussian prince, remained in England after being called to the colors and, after a short internment in Canada, voluntarily returned to England as a war worker on a farm. It was a hard decision for a patriotic Prussian prince to make. He wrote us that he was feeling happy again after he had learned that we both understood and agreed with his action.

7.) The writer and publisher, Armin Robinson and his wife became our close friends during the last years. He is Hungarian and partly Jewish; she is German. They do not only know us and most of our friends abroad, they also have been our houseguests in Siasconset and Palm Beach.

We pay the highest tribute to Mr. Robinson's friendship and courage. He remained with us through all the trying months of our detention in Miami. We are proud to have a friend, alien in this country as we are, who has the courage to stick to his convictions and not to let down his friends in whose integrity he believes.

I remember when Mrs. von Opel discussed with him in Palm Beach—a few nights before our arrest—the detrimental effect of the Nazi ideology on the basic Christian principles (she calls such talks her “soap box speeches”). I guess it was this discussion which made Mr. Robinson conceive the marvellous idea of his book and movie, “Hitler and the Ten Comandments”, which he is at present pre-

paring under the sponsorship of the Office of War Information.

PART IV

Our trips to Germany

At our hearing we already stated that we both have been on visits in Germany after we had left in 1929. Not many details were asked, but I feel that a thorough discussion may be helpful.

As Mrs. von Opel and I went there for different reasons, I have to discuss our trips separately. One reason, however, we had in common: we were both strangely attracted by the rising monster Nazism, which kept us spellbound, half in fright, half in curiosity. From the first minute our judgment of Hitler had not to be altered: we knew he was the ruin of everything dear to us. The Austrian pied-piper's march through Germany and "the nation of poets and thinkers" falling in line behind him will for all time be regarded as one of the strangest mental phenomena. This—our experience gathered inside of Germany (and, strange to say, topped by our Seagoville experiences)—gives us such an insight into the powers which motivate Nazism that we hope for an opportunity to put our knowledge to work in a broad scale attack of this mental disease.

a) *Mrs. von Opel's trips.*

We had left in Germany a bank account of so-called "Auswanderer-Mark" (emigrant marks), a blocked account which was not transferable into foreign currency and practically worthless. However, as the democratic government wanted to stimulate visits by foreigners, there was a provision that such funds could be freely used inside the country.

At different occasions, mainly while I was in the United States on business, Mrs. von Opel went to Berlin to do her shopping, especially for clothes, which she thus could acquire very cheaply. She also went there for medical treatment of a leg fracture and several times for a vacation on the Island of Sylt which she likes very much. (An article in "Fortune" in 1940 said, correctly, that we wanted to settle on Nantucket Island because it is so much like Sylt.)

b) *Mr. von Opel's trips.*

All my trips (with the exception of the treatment of a dislocated shoulder and a compound leg fracture) were prompted by my father and mainly by business troubles he had run into.

Since my marriage in 1929, my father is the only member of my family with whom we are on good terms. After the sale of our factory to General Motors he felt very unhappy. He was a genius in mechanics and manufacturing, a go-getter type of businessman who had known nothing but his work. All of a sudden he found himself retired to a life he was not used to and widely inexperienced in the tricks of banking and investing—he fell prey to all kinds of people whom he considered his friends. It was a heartbreaking experience for me to see a man whom I considered one of the best brains in his profession caught in the nets of the cheapest tricksters.

In 1931 he had given me the fair half of his fortune and I felt obliged to assist him in the defense of his own interests in a world, quickly changing, he did not understand any more. The former law and order was gone, and he felt puzzled by political and economic ideas he had no use for. He did not see clearly that the Germany he had cherished was gone for good, and though he felt on himself the blows of unlawfulness and distorted justice, he steadfastly believed that all of a sudden the nightmare would make room for the rebirth of a decent Germany.

I assisted him mainly in the following matters:

1.) Before Hitler had come to power my father, who at all times was the target of inventors, had the idea to finance inventors and to make their inventions ready for sale on an international basis. I had agreed to assist him, particularly in arranging the sales of patent rights in foreign countries. My father soon discovered that it was no fun at all to deal with inventors and moreover, after Hitler had come to power, the restrictions got such that any cooperation on an international basis became impossible. Furthermore, one of the key men, the chemist, Dr. Eduard Holzapfel, who had worked on the development of a cure for hookworm disease, wanted to immigrate to the United States. For this reason, in 1934 or 1935 the small organization was discontinued and all the inventors—among them, myself—regained their rights. Those rights I still hold, mainly several patents in automatic traffic control.

2.) The worst trouble my father ran into was, one year after the Nazis had come into power, the claim, unsustained by any law or regulation, that he, by giving me half his fortune, had broken certain restrictions regarding foreign currency. I already mentioned this matter which lasted from the summer of 1934 to the summer of 1935. My father's and his brother's position was legally unattackable, but they were told they would not be tried before the bench but before a newly-formed "people's court" for "economic treason". Thus they were forced to surrender to a fine of eight million marks (about three million dollars). I was the chief witness for my father and was repeatedly cross-examined by different authorities.

3.) Another trouble was that my father had made several large deals with a banker by the name of Deku whom he fully trusted. I disliked this man thoroughly but I could not convince my father that he was a crook. It

nearly came to a complete break-up between my father and me. He was ready to sign a contract which would have completely ruined him financially when I intervened and had the banker arrested. I was the principal witness for the prosecution. The banker was convicted of numerous charges of theft, embezzlement and forgery and was sentenced to three and a half years of hard labor. My father's losses amounted to more than four million marks.

4.) In connection with the above conviction of the banker, his bank, the Union Bank A. G., went in bankruptcy. Other creditors claimed that my father had unnecessarily brought about the bankruptcy and was liable for damages. He was sued to the tune of several million marks, mainly by the City of Dresden. When I heard of it last, in 1941, the matter was still unsettled.

5.) On my insistent advice that nothing but real estate would survive a possible war and the collapse of the Nazi "economics", my father had acquired a large forest. While the transfer of the property was pending, a quite unusual "twister" destroyed about one-eighth of the timber. On my advice, my father sued for damages and I assisted the lawyers, who were quite inexperienced in forestry matters, in establishing the claim. The defendant appealed already twice and in 1940 I was cross-examined by the defendant's lawyers in New York.

The lawyer of my father is Dr. Daniel Gros in Berlin. Whenever possible I had him come to St. Moritz for our conferences, but I also conferred with him in Berlin, on the Isle of Sylt, and on the damaged estate of my father.

After Hitler had come to power, new regulations came out with regard to the establishment of residence in Germany. This was extremely important for all people who had foreign holdings because, according to the German "foreign currency" restrictions, everybody residing in Germany, Germans or foreign nationals alike, had to surren-

der their foreign holdings. According to the new regulation, the mere "intention to establish a residence" (for instance, the renting of other than furnished rooms, hiring of servants, the regular reception of mail or any prolonged stay, at all) was considered sufficient "evidence of residence" to force a foreign resident into submission.

Having emigrated in 1929, I was considered a "Devisen-Auslaender" (unrestricted resident of a foreign country), which meant an invaluable asset. (Even the retroactive law of 1931 had not caught up with my date of emigration.) If the Nazis could construe me a resident under the rubber-band regulations (offenses were punishable by death), I would have been forced to surrender all my American investments. For this reason I was most careful to limit my stays in Germany after 1934 to the utmost.

PART V

Can I be an agent of Hitler?

I do not believe that anybody who has even superficially studied the foregoing pages will still be inclined to believe that people of our standards, our mode of life, our interests, and—not to forget—our independence, mentally and economically, offer the material spies or agents are made of.

However, there is a tendency to accept certain theories to the very detriment even of those refugees who have already suffered most from Hitler. Against the preposterous wholesale assumption that all those who have relatives left in Germany are likely to act for Hitler in one or the other sinister capacity, there is no better way than to look at each single case individually.

My own life is a living denial of this assertion: not only by, in 1929, my marrying against the wishes of my family the most liberal-minded person, by emigrating from Germany in the same year, by settling in a neutral country,

by choosing my friends exclusively among outspoken anti-Nazis, not only that the Nazis issued a warrant of arrest against me, not only that they fined my family three million dollars, not only that I invested all I had in this very country, not only that wherever we went, awake or dreaming, we criticized and condemned the Nazis, not only that I worked constructively in this country's industry for ten years, that I put up a defense plant and offered several valuable inventions of mine to this Government—no, far more: that I never said or did a single thing to help the Nazis or to harm this country.

What can a person who is not accused of anything, but merely suspected (in a case where even this suspicion cannot be based on any evidence and runs counter to all logic and reasoning)—what can such a person do to destroy such a suspicion?

1.) Would it help to analyze the matter from the philosophical viewpoint? Would it help to show that my wife and her family, and I and my family, always have been liberal? Would it help to show that not one independent man in this world, with the same background and the same training in science that I had, ever succumbed to Nazi doctrines, to their pseudo-science, their surrogate for ethics and their blasphemies?

I am rather proud of the fact that I was right in my judgment of human character when I stated, as early as 1928 or 1929, that out of Hitler's ugly and maniacal face nothing could come for Germany but the destruction of all moral and spiritual values.

2.) I believe it is better to approach the matter from a more materialistic point of view: Every agent in the world expects some reward for his endeavors. What could be the reward in my case?

a) *Money?* As I was independent and as I earned more than I needed, it seems safe to assume that no financial compensation could ever have tempted me.

b) *Position?* Nor could the promise of position ever have tempted me. I could have returned to Germany into highly paid positions in industry. I refused to return. My independence is my most cherished property.

I could have joined Hitler in 1928 or 1929 at a time when his cause—at least on the surface—looked patriotic and idealistic, at a time when I had my own economic interests to defend in Germany, at a time when, through my position in industry and my popularity, I would have been an invaluable asset to Hitler who would have readily given me any position just for my asking.

Does it look reasonable that I should join him belatedly, after his hands had become bloody with murder and after he had completely destroyed whatever was dear to me in Germany? What in the world could have caused me to give up my personal security and the work of my choosing to become one of the agents of Hitler, whose heads, inside and outside of Germany, are in constant danger?

c) *Fame and adventure?* Could fame and the lust for adventure tempt me? When I was young all the fame anybody could wish was showered upon me. Years of daredevilry had established me as a sports hero, but I was not yet twenty-seven years old when I began to realize the emptiness of the public's hero worship. In spite of many triumphs still to harvest, I retired from the arena of sports and devoted myself entirely to industrial work.

Would I consider, fifteen years later, the sullen activities of an agent as adventurous? It might look so to some, but to me, who had risked my life in hundreds of races and dozens of silly stunts, it could only look dreary.

And the fame? Could Mr. Hitler's patting me on the shoulder compensate me for the loss of esteem of all my friends?

d) *Coercion?* Could the fact that my parents still live in Germany be used by the Nazis to force me to cooperate with Hitler?

It is a widespread belief that the Nazis use hostages for the purpose of forcing their relatives into subversive activities. I am convinced—plausible as it may sound in a movie thriller—that this theory is not at all borne out by the facts. The Nazis have an ample supply of genuine followers, educated and trained in blind obedience to Hitler, who would gladly undertake any daring task. The Nazis have no need to employ unwilling tools where they have volunteers in abundance; tools they never could be sure of.

In my own case, I firmly believe that since the war began my father is safer than before. It would not help the Nazis in their proclaimed “war-time unity” to harm an old and widely known man who is well liked by some twenty or thirty thousand workmen. The Nazis too have to consider the feelings of such a large body of people and it was obviously for this reason that they reversed the treatment of my father: they, all of a sudden, upon the occasion of his seventieth birthday, gave to him, the ransacked “economic traitor”, some kind of a medal.

PART VI

Are we Nazi sympathizers?

If Americans would be asked: what have you done five, ten, or fifteen years ago to show your displeasure with Hitler and his methods, I believe most of them would be at a loss to point out one single instance. It is the same with many people in Europe: the average human being does not display political feelings. This is left to politicians and political writers. The case of people who have relatives living under Hitler's heel is still more difficult.

Why should they—for no useful purpose—endanger their relatives?

In spite of my own and my father's precarious position, we are fortunate enough to be able to claim that we talked and acted against Hitler, not on this safe side of the ocean only but even inside Germany where it was risky. There is, of course, no chance to get statements out of Germany, but, fortunately for us, several people who used to live in Germany do now live in England or over here, and will certainly testify to the facts and incidents described below.

1.) No member of the large Opel family since the foundation of the German Reich in 1871 was

- a) a professional soldier or officer,
- b) a government official in any capacity whatever
- c) engaged in politics or
- d) a member of any political party (with the exception of my father who was a "passive" (contributing) member of Stresemann's, the "great liberals" German People Party.)

2.) I did not become an officer but, upon my father's wish, remained a non-commissioned officer in World War I, which was for a man of college education very unusual.

3.) It was not less unusual that at my university I did not join a fraternity (which were all reactionary) but founded and managed for years educational courses for workmen.

4.) The members of the Opel family, on account of their liberal leanings, were nicknamed "Die roten Fabrikanten" ("the red industrialists"). We were among the first to

establish a workmen's council and to put to work all kinds of social measures.

My grandfather got his technical education in France; my father worked in the United States for Singer Sewing Machine; I went over Europe and through the United States to study manufacturing. Our market was the world, and I always lived in an atmosphere of international co-operation and exchange, an air deadly to the bacillus of chauvinism.

5.) The first socialistic president of the German Republic, Friedrich Ebert, distinguished me by personally coming to congratulate me on my record-shattering victory in the first automobile race after the revolution (to-wit: picture of Friedrich Ebert and myself on the front page of the "Berliner Illustrierte Zeitung", September 25th, 1921, New York Public Library).

I was the first German sportsman to compete in France after World War I, thereby displaying for the first time the republican colors. Having won both prizes (of the Secretary of the Navy and the City of Paris), I was welcomed by several Ministers; I replied in my speech that the change which had taken place in Germany could not be better illustrated than by the fact that I as an industrialist had come to present the colors of the new republican Germany and that the "new Germany" was eager to fully cooperate with France.

6.) In 1928 over a national hook-up I spoke from Berlin demonstrating the principle of rocket-propulsion. Here again I put emphasis on the necessity of international cooperation and the influence which faster and better communication should have on the mutual understanding among nations.

7.) About the same time a leading German newspaper inquired from dozens of well-known people whether or not Germany could pay the contributions of the Young

plan. This was categorically denied by everybody for obvious "patriotic" reasons. I was the only one who answered in the affirmative, stating that Germany could meet its obligations through the export of goods. The paper was so ashamed about this answer—correct as it proved to be—that my answer was put in an inconspicuous corner and printed in smaller type.

8.) In 1928 the former Kaiser Wilhelm, twice by wire and letter, invited me to come to Doorn for a lecture on some of my inventions. I bluntly refused to see him in spite of the fact that the majority of Germans and quite a number of foreigners would have felt deeply honored.

9.) In 1928 or 1929 (after the death of Stresemann) the German People's Party dissolved and my father, who did not want to join the influential "German Nationals" (a reactionary movement), asked me to find out whether he should join the newly rising "National Socialistic Party". I heard several speeches of Hitler and attended a private gathering of industrialists where the then famous Gottfried Feder made a speech. I reported to my father: "If those fools and cheap comedians ever come to power, Germany is bound to smash on the rocks." (More than ten years later my father reminded me of these words, saying: "If I would have joined them it would have spared me a lot of troubles and difficulties." I replied: "One day you will be proud to have kept out of it", these being about the last words we exchanged at the train station in Zuerich at my departure for the United States in April, 1940.)

10.) My father sponsored a monument for the late Dr. Stresemann who through his cooperation with the French returned order to the Rhineland. This monument was some years later destroyed by the Nazis, who considered Stresemann's peaceful endeavors as treacherous.

11.) In the spring of 1930, while working in the Chevrolet plant in Flint, Michigan, I was invited by the German-born workmen of the Chevrolet, Buick and Fisher plants to address them at a gathering.

At this time most German-Americans felt still attached to the old imperial colors (black-white-red) and disliked the new black-red-gold republican colors. The tenor of my speech was to point out the political and economical difficulties the German republic was confronted with and to show the astounding headway the republican Germany had made in ten difficult years.

12.) It is well known that the Nazi movement was subsidized by several industrialists, particularly Mr. Thiessen. I take pleasure to state that the Opel Corporation, as long as it was under my family's control, never made one single contribution, small or large, to the Nazi party or its affiliates. Likewise, no member of the Opel family ever became a member of the Nazi party.

13.) In the summer of 1934, after the "bloodpurge" (which included the murder of Roehm and General Schleicher), we succeeded in getting tickets to the "Kroll Opera House", where Hitler was about to address the Reichstag.

The whole diplomatic corps (if I remember correctly, with the exception of the American and the French Ambassadors) was present, being seated in the center loges on the second floor gallery. Mrs. von Opel and I had two front seats on the same gallery about fifty feet to the right of the diplomats. When our friend, the Egyptian Minister Nachat Pacha (now Ambassador to the Court of St. James), took his seat we nodded to him.

At about this time Hitler entered and made his speech which I am sure history will classify as the most shameless of them all, excusing the wholesale murder of friends and foes alike with the vilest lies. At the end of the speech the whole house, deputies as well as visitors, jumped to

their feet in a roaring ovation, and with hands raised in the Hitler salute burst into the two national anthems.

We alone in the midst of thousands of people were standing in the front row, visible to everybody, not singing and with the arms down. The next day I drove Mrs. von Opel to the Grunewald to visit her friend Mrs. Barschall. Minister Nachat Pacha was there and he, who had observed us on the gallery, reproved us and admonished us not to endanger ourselves by senseless demonstrations. I replied that I would rather die than, by raising my arm, actively underwrite crimes which put a whole nation on sub-barbarian standards.

It must have been this or a similar incident which prompted Mrs. Barschall to write about us in her affidavit: "I was always worried for their safety because of my knowledge of their anti-Nazi attitude."

15.) My father never worked with so-called "private" banks but exclusively with the big "Disconto Gesellschaft".

After the Nazis had openly proclaimed the boycott of all Jewish firms, I told him the least he could do to show that he did not agree with these measures was to open an account with a Jewish bank. So he did. Reversing his life-long policy, he opened a large account with the Jewish bank, Arnhold & S. Bleichroeder in Berlin, and he continued to deal with them even after he had received a threatening letter from another banker.

To an American such an act looks insignificant. In Germany, however, where everyone's back was bent in obedience to every whim of the "Fuehrer", it was a courageous demonstration.

16.) With one of the partners of this bank, Mr. Merzbach, I had several thorough discussions of the political situation, inside Germany and at a time when even the boycotted German Jews still acclaimed at least part of

Hitler's measures (particularly in the field of unemployment): I already expected nothing but the complete collapse of Hitler's Germany.

17.) Mr. Merzbach (see his general affidavit) can furthermore testify to the fact that I personally—and at long last successfully—pressed my father to sell out all his government, city, and private bonds and to prepare for the collapse by acquiring real estate or similar inflation- and disaster-proof values.

As to my own policy, Mr. Merzbach, as well as Dr. Frankenberg, can testify that I never had any investment in Germany after I had left, but to the contrary took everything out, even if such transfer involved high losses.

18.) Around 1936 Germany began a campaign called "Rueckwanderung von Auslandsdeutschen" (repatriation of Germans living abroad). To induce Germans to return they were offered very favorable rates of exchange, in some cases twice the official rate. After the foregoing it sounds almost sarcastic to ask: Why did I not use this splendid opportunity, thereby settling once and for all the permanent troubles my father had, returning to Germany as the welcome "lost son" as did thousands of other people?

19.) When we lived in Switzerland we ordered our groceries from two or three local firms in St. Moritz. After one of them had tried to cheat us and we had learned that the proprietor was a Nazi-German (though married to a Swiss girl), we stopped buying from this firm.

Some time later Mrs. von Opel had to go to Davos to see the German consul on passport matters. He asked why we did not buy our supplies from the German firm Weren-Biffi. Mrs. von Opel replied that they should first teach this man to be honest and secondly that it was our policy after having been nicely received and accepted by the Swiss community to give all our business to Swiss firms.

We never again bought a cent's worth from Weren-Biffi, who, being more or less boycotted by the community, went out of business.

20.) I feel I should—besides the friends already mentioned—name some more people who have been guests in our house in St. Moritz: *Lord and Lady Jellicoe*, son and wife of the late English admiral of Skagerac fame; the late Dutch sportsman and flyer, *Antony Fokker*; *Mrs. Vansittart* and daughter, sister-in-law of the adviser of the British foreign office; the famous British airplane manufacturer, *Sir Handley-Page* (whom we have known for twelve years); *Lady Duncan* and her sons; the eminent French scientist, *Esnault-Pelletier*; *Martha Dodd*, who spent three weeks with us; *Mrs. Sert*, the late wife of the famous painter.

In addition, many Jewish people have been our guests: the well known singer, *Gitta Alpar* (after her emigration from Germany); *Charlie Chaplin* (introduced by Mr. Fokker), whose pictures have been banned in Germany right after the beginning of the Nazi rule; *Conrad Veidt*, the famous Hollywood actor who for ten years specialized in anti-Nazi pictures; the well known Hollywood director, *Joseph von Sternberg*.

Is it reasonable to assume that all these people of high standing, who were all free to go or to stay away wherever they wanted, would have chosen the company of Nazis?

21.) Who in Switzerland (and the Swiss are rather critical) ever thought that I was sympathizing with Hitler? The friends who vouched for my naturalization, the Liechtenstein Government which accepted me, or the Swiss Secret Police (Fremden Polizei) who assisted in my release from Gibraltar!

22.) The FBI seized a letter, written by a certain Ferdinand Janda. This letter caused me a black mark ("friend held in Australian concentration camp").

This "friend", a German socialist, had behind him three years of concentration camp in Germany, one and a half years of war against Franco, and another two years of Franco concentration camp when I met him after his escape to Gibraltar. We were detained together and I bought him (a decent German carpenter) some clothes and shoes as he was in rags and barefooted. I continued to help him with small sums after he was sent from Gibraltar to Australia. I even sent him English school books which he wanted for his studies.

Please note that this suspicious "friend" voluntarily returned to England, that he is unconditionally released, works in a machine shop and wants me (by letter of December 27th, 1942) to buy him some tools. He will be dumbfounded to learn that I am interned as an "enemy" alien.

23.) Among the more than one thousand people my corporations employed in this country there was not one single German (except three or four Jewish refugees working on special research in connection with my inventions in my defense plant). Among these thousands were to my knowledge only two German-born citizens, both around seventy years old and naturalized since thirty or forty years (one being a brewmaster and the other a long-time employee of Ladenburg-Thalman & Co.).

24.) The British in Gibraltar (and later the FBI) found in my possession a rather funny "Schanderhuepferl" (funny song) I had written in 1938, sarcastically playing up how the Austrians had benefited by the "Anschluss". This little song cannot be translated on account of the frequent use of puns. Anyhow, the last part, mentioning the German drive for the collection of "rags" and playing on the double meaning of "Lumpen" (meaning "rag" as well as "scoundrel") closes: "After having collected all the "Lumpen" (rags), why shouldn't we as well be ruled by "Lumpen" (scoundrels).

25.) The FBI found in my possession a notebook of poems I had written in the summers of 1940 and 1941, poems of religious and rather resigned leanings. Among them were translations of Byron, Keats and Rupert Brooke, some of them highly praised by experts. Rupert Brooke's "Soldier", written shortly before his early death in 1915, must be counted among the outstanding glorifications of England.

Can anybody imagine that a person who is in the remotest way a Nazi would spend many months in the thorough study of British "enemy's" poetry?

26.) Every time I had an opportunity to assist or advise American industry I did so unselfishly. I mention one typical example: the firm of Ladenburg & Thalmann with whom I have no business connections was "most interested in learning to what extent Germany is developing the use of producer gas for automobiles", and they asked me "for a fairly exhaustive survey of what your opinion and study of this particular subject matter has been."

To this day I do not know who their "valued client" was, whether a manufacturer or—as the question referred to the possible substitutes for gasoline—the Army Intelligence.

I wrote a survey and on February 13th, 1941, received Mr. Rosenthal's answer: "I greatly appreciate your courtesy and kindness in respect to your letter of February 11th. It has covered the ground most thoroughly and has given me everything I desire. Again many thanks and with the hope that I might have the pleasure of seeing you in New York soon * * *"

Can anybody imagine that a Nazi-minded person would go out of his way to give valuable information free of charge to a Jewish banker? On the other hand, through a number of years I had numerous discussions with the Ladenburg partners on the economical and political situ-

ation in Germany. Would they consult and invite a person whom they are not sure of?

27.) Long before Pearl Harbor I asked the Department of Justice for permission to put my professional knowledge at work on defense problems.

I offered to the Government numerous inventions (long before they were seized by the Alien Property Custodian), among them:

- a) a process for forging magnesium, aluminum, brass and bronzes
- b) a gun crew training device
- c) a moulding machine for plastics
- d) a navigating device
- e) a fastener for airplane cowlings
- f) a suggestion for the balancing of the steamer "Normandy" during the lifting operations (rejected)
- g) an improvement in rocket-propulsion (bazooka-gun)
- h) a "river-mine" of revolutionary design, usable against bridges and dams

I do not want to enlarge upon the very depressing fact that these brain-children of mine are—as soon as they are born—taken away from me, that they grow up without my, the legitimate and loving father's, assistance. I can only hope that they always find the shortest way to the battle front.

At least in one case much damage was done: The Alien Property Custodian, overriding the expressed wish of the War Production Board, sold the Ergo Machine Works on

the auction block, thereby destroying all chances to continue the already successful research on forging I had conducted there.

Let us take one single example: the basic idea of the "river-mine" struck me (strange to say, but the accompanying guard will remember) when we passed the Mississippi River on the way to the internment camp "for the duration". I spent several months working out the details and then sent the plans (with six weeks' delay through censorship) to the Ordnance Department.

Describing the purpose and use of my "river-mine", I say: "the crux of the invention is a new method of igniting floating mines, a method which requires neither an impact, as do the present horn-type mines, nor the presence of a mass of iron, as do the present magnetic mines. Furthermore, against this type of mines no counteraction seems possible. The drifting mine can hardly be seen and cannot be sunk or ignited by machine gun fire, as the float is invulnerable and the charge and the delicate parts are well below the surface. If, for the protection of the bridge, a mine is strung across the river, the first mine stopped would immediately explode, destroying the wire and thus opening the way for the following mines. The charges by which the bridge is blown up can be placed outside of the protected area *without the necessity of any accuracy.*"

A short time ago all newspapers carried articles and pictures regarding the sensational attack on the Moehne and Eder dams which were blown to pieces. The paper said: "*New Method Used.* The R.A.F. apparently had devised a new technique to attack successfully the power dams, but it was secretive on that point. Unofficial sources said, however, that a way had been found to float the mines past the ordinary safeguards through the sluiceways into the vital machinery. Destruction of the structures by bombing would have required an extraordinary amount of explosive as well as marksmanship of the greatest skill, it was said."

I, as an enemy alien under suspicion, have apparently no right to learn whether it was my, or a fully identical and contemporaneous, invention which worked this miracle. To top this irony of fate: the Moehne dam which was blown up is less than two miles from my father's estate. I am sure that no window on it remained in its frame. Need I tell to what my feelings are:

Defendant's Exhibit 45

May 21, 1935.

Messrs. Davis Polk Wardwell Gardiner & Reed,
New York,

In connection with our first letter of today we wish to give you the following additional information:

1. We wish to draw your attention to the fact that a large part of this stock is encumbered with a right of usufruct in favor of Mr. von Opel Sr. In addition our company has considerable obligations towards the Adler & Co. Aktien-Gesellschaft presently amounting to approximately 3,400,000.00 francs. The stock of our company is at the power of disposal of the Adler & Co. Aktien-Gesellschaft as security for this debt, in that Dr. Frankenberg of Adler & Co. Aktien-Gesellschaft delegate to the Board of Directors, has in his possession the only key for the safe No. 1917 with the Schweizerische Kreditanstalt in Zurich.

2. The management of our company is handled entirely independently by the three members of the Board of Directors. I refer to enclosed certificate of the commercial register of the canton Zurich. Aside from these three gentlemen no one has the right to manage the affairs of our company.

3. As regards the transfer of the different assets we refer to the lists of the participating banks which were enclosed to our first letter.

Since 1932 our company has been examining the question of considerable increase in the capital stock and it has already conducted negotiations in that matter with the fiscal authorities in Chur with a Mr. Janett. * *

4. To prove that the disputed assets had been in possession of our company already in 1932, we refer to the deposit statements. These assets were then securities used to acquire dollar coins for which we likewise enclosed in our first letter confirmation of the transfer.

5. Mr. Fritz von Opel did not have an account with the Adler banking house in 1932 as yet but opened the account only in March 1933.

* * The intention has always existed to reach a settlement with Mr. Fritz von Opel in regard to these assets in connection with the increase in capital stock.

The correctness of the preceding statements can be sworn to at any time by Dr. Frankenberg and Dr. J. Hengeler. Please transmit to us, if necessary, the drafts of the affidavit.

In the event that anything should still remain unclear, please give us notice by telegram so that we may still furnish you with any statements that may be necessary.

Very truly yours,

Defendant's Exhibit 46

May 29, 1935

Messrs. Davis Polk, Wardwell, Gardner & Reed
15 Broad Street
New York

We confirm our cable of today which reads as follows:

"Reference our letter May 21 would like to add that acquisition of the various securities 1932 may not be regarded as trust deposit for Fritz von Opel because acquisition effected without right to reclaim in the intention to show these assets also on balance sheet after increasing the capital stock stop this method was necessary and intended for that reason alone because all assets acquired for sold Opel stock had to be consolidated and safeguarded in the Overseas as executive organ of gift contract between Geheimrat Opel and Fritz Opel stop assets therefore were fully the property of Overseas although not shown in balance sheet"

Very truly yours,

Defendant's Exhibit 47

TELEGRAM

New York
Telegraph
Zurich
May 29, 1935

NLT—Bankadler Zurich

Overseas was instrumentality for executing gift agreement therefore my assignment 1932 was not in trust because made without right to re-claim since any demand of return would have frustrated concentration and safeguarding of his and sister's rights demanded by my father. Transfer of assets took place at cost to be set off later against capital increase thus full property Overseas regardless of balance sheets. If in agreement with this legal position confirm attorneys in full cable and letter.

Opel

Defendant's Exhibit 48

[Geh. v. Opel]

at. present: Westerland/Sylt,
Haus Kleemann

August 2, 1935

S. H.
Herrn Rechtsanwalt Dr. Gros
Berlin-Potsdamer Platz
Columbushaus

Dear Doctor,

I thank you for your ingenious statement concerning

- a) the evaluation of speculative profits,
- b) the status of a German residing abroad as a member of the Board of Directors of a corporation with regard to foreign exchange and to taxation, and
- c) the deed of gift [usufruct].

re a) I, then, take it to be a fact that the view which you expressed to me verbally is correct, namely that it is at the purchaser's discretion to set off individual sales against individual purchases; this amounts, practically, to saying that it is left to the purchaser's discretion to make belated payment of a tax or possibly not to make payment at all. As I told you, the American way of evaluation seems to me to be more correct, namely to apply the first sale against the first purchase or vice versa.

re b) Your opinion* confirms in all essentials my view that my situation is clear as far as the question of taxation is concerned, but that the flexible clause 'essential interest' may lead to difficulties at least with regard to foreign exchange legislation. The one thing that is certain is, of course, that the expression 'essential interest' refers to the management of the business only and has nothing to do with the stockholdings as such. Nevertheless, I have got a feeling that large shareholdings may possibly be taken as a basis to construe an essential participation in the management, namely inasmuch as it might be claimed that the owner of a majority may logically be expected to take a very active interest in his business. (p. 2) If the clause were interpreted reasonably, I would see no difficulties, but this weasel word 'essential interest' allows for all sorts of malevolent interpretations. I believe, therefore, that one should await, at any rate, the advice of the Devisen-

* Translator's note: 'Guthaben' is evidently written in error for 'Gutachten'

stelle before accepting membership on the Board of Directors.

re c) I also agree with you with regard to the deed of gift and I know that it is a mutilation of the Hachenburg draft and devoid of any legal foundation. I fought, at the time, against the insertion of the *usufruct provisions*, for all the reasons which you mentioned, namely

1. because it is self-evident that I would take care of my parents in case of need (and the usufruct was intended for this purpose) and

2. because I am legally obliged to take care of my parents anyhow,

3. Because the entire wording of the right of usufruct is inadequate, and

4. because I feared from the very beginning complications connected with the law governing foreign exchange which could have been avoided.

So you are by no means the only one to hold that opinion of the contract, and I believe, as I did before that the exact wording of the Hachenburg draft should have been used.

* Your opinion that at the time of the Berlin negotiations I was not aware of the subtle difference between a claim to the creation of a usufruct and the usufruct itself is by no means correct. I know today, just as I did then, that the charges against my father were wholly unjustified and that his conviction for an unlicensed waiver was nothing but a fiction, which we had to put up with under the pressure of circumstances. You may be sure that if my uncle had not been involved we would have fought over this point like lions, and left to ourselves we certainly would have been able to accomplish something.

So I still believe that, what we did achieve was the best we could expect in view of the unfortunate fact that we were linked with my uncle, and that your legal arguments would have helped us very little. Nowadays I understand decisions are required to be made no longer on the basis of the written law, but that all the circumstances of the case are taken into consideration in reaching a decision. These circumstances had become rather unfavorable for us the moment our own case was mixed up with that of my uncle. (p. 3)

Your argument that a usufruct had not yet been created, did not seem very effective to me at the time, nor do I believe that your opinion will prevail today. But your arguments may be of use even in the present situation, namely insofar as they will serve to ascertain whether or not my father will have a claim to any income which may accrue in the future.

From a purely legal point of view the situation, I think, is such that he is not allowed to waive any usufruct which has accrued without a foreign exchange license. But since in your opinion a usufruct has not yet been created, so that proceeds from such a usufruct cannot accrue, you believe that a waiver or a license to waive such a claim is not necessary either. I am of an entirely different opinion. I would see a waiver, not from a legal but from an economic point of view, in the mere fact that my father waives his right to have a usufruct created.

So, opinion stands against opinion. But since the question is still of a very practical importance, you have now got a chance to prove that your point of view is correct. You would, in that case, of course, operate under far more favorable circumstances than you did a year ago, for today it is very much more a question of right and not of might than it was then. I would therefore ask you to examine this question very carefully, especially with a view to ascertain which office would be in a position to give an authentic and binding answer to it. (I presume it

is the Office of Foreign Exchange Control). But please do not take any steps before discussing the pros and cons with me thoroughly. As to the facts I may say that all the assets which were given to me, or their substitutes, have been transferred to a holding company, so that only the dividends of this holding company are to be deemed a usufruct under the terms of the deed of gift. Since all my American companies are highly under-capitalized (e.g. my brewery operates with only one third of the capital which is customary for breweries having the same gross receipts), it would in any event be years before the subsidiaries could think of distributing dividends and it would be still longer before the holding company itself had accumulated the customary reserves. So there can be no reasonable prospect of the holding company paying dividends within the next few years. (p. 4)

These plain facts, which can be proved at any time, have become still more complicated by the fact that I shall probably have to reorganize the holding company. The reasons are as follows:

The revised American income tax law considers all companies whose majority is held by 5 persons or less as private holdings, i.e. these companies are required to pay not the customary corporation taxes of $13\frac{1}{2}\%$, but the rates applying to private individuals, which are several times higher. That means practically that only such companies are recognized as holding companies which have eleven or more stockholders.

After extended consideration I have finally found a way to meet this requirement, namely by selling to outsiders all the stocks I own. To be able to do this I have to keep my credits with the holding company on a loan account and to obligate myself towards the prospective stockholders not to claim any interest until the stockholders have been satisfied and sufficient reserves accumulated.

I thought I should explain to you the above facts in detail in order to show you that it will be a long time before a

usufruct will accrue. Nobody would regret that more than I myself, for I, too, am waiting for my 20%. In spite of this situation, which was brought about for economic reasons, my father continues to be deeply troubled by this usufruct matter and it would therefore be desirable to elicit, if possible, a statement from the Devisenstelle as discussed above. As I said before, I personally doubt whether we shall succeed, but maybe you will find a suitable way.

I approve of your draft of an amendment to the deed of gift. I believe a provision of that kind is more suitable than a testamentary provision, and since my father and I agree in this respect, this way seems to be the right one. But before making final proposals to my father I want to think over the particulars, especially the question of evaluation. The evaluation of 9 millions, which you mentioned, comes very near the balance sheet which I made up for the Reichsbank a year ago. The values specified in it have not changed materially, except that I shall probably have to expect a substantial loss in connection with the recent delivery of foreign exchange, a loss which I estimate at about \$60,000.00 to 70,000.00. I presume that I shall know the exact amount within the next 6 weeks, so that all figures will then be available. (p. 5) My father is at the moment still in Berlin. You might take the opportunity to discuss with him the different questions I raised in this letter, especially the usufruct question.

I remain with best regards.

Yours

FRITZ VON OPEL
(sgd.) Ritt (1)

2220

Defendant's Exhibit 49

(See Opposite)

Def. Exhibit 49
[Excerpts]

Ausland

Verwaltungs - Conti.

Konto - Korrent

Consortium O. Dollar-Conto Co

| | | | | | Soll | Haben | | | |
|------|--------|----|---------------------|---------------------|-------|-----------|--------|----|----------|
| 1932 | Sept. | 12 | City Bank | Einlagen | 3 | | 45452 | 30 | 1934 |
| | Dezbr. | 31 | " " | " | " | | 4742 | 50 | Juni 30 |
| | " | " | " " | Bezüge | " | 5058 11 | | | " " |
| | " | " | Hallgarten | " | 5 | 142 30 | | | Sept. 30 |
| | " | " | Saldo | | | 44996 39 | | | " " |
| | | | | | | | | | " " |
| | | | | | 50194 | 80 | 50194 | 80 | " " |
| 1933 | Jan. | 1 | Saldo Vortrag | | | | 44996 | 39 | " " |
| | Maerz | 31 | Ladb., Thalm. & Co. | Einlagen I. Quartal | 33. 1 | | 699880 | 10 | Werte |
| | " | " | " " | Bezüge | " " | 699907 30 | | | Cons. |
| | " | " | City Bank | Einlagen | " " | 13639 63 | 13953 | 24 | |
| | " | " | " " | Bezüge | " " | | | | |
| | " | " | Hallgarten & Co. | Einlagen | " " | 6152 75 | 6152 | 75 | |
| | " | " | " " | Bezüge | " " | | | | |
| | Juni | 8 | City Bank | Einlagen II. | " " | 45374 54 | 45374 | 54 | |
| | " | " | " " | Bezüge | " " | 23812 50 | | | |
| | " | 30 | Ladb., Th. & Co. | Einlagen | " " | 300000 -. | 300000 | -. | |
| | " | " | " " | Bezüge | " " | 542 56 | | | |
| | " | " | " " | " | " " | 300000 -. | | | |
| | Sept. | 30 | " " | Einlagen III. | " " | 233493 02 | 233493 | 02 | |
| | " | " | " " | Bezüge | " " | 498708 65 | | | |
| | Dezbr. | 31 | " " | Einlagen IV. | " " | 533673 46 | 533673 | 46 | |
| | " | " | " " | Bezüge | " " | 572915 78 | | | |
| | " | " | Hallgarten | Einlagen | " " | 142 30 | 142 | 30 | |
| | " | " | Ladb. Th. & Co. 10. | " | " " | 19406 85 | 19406 | 85 | |
| 1934 | Marz | 31 | " " | " I. | 34. 1 | 299071 36 | 299071 | 36 | |
| | " | " | " " | Bezüge | " " | 275298 47 | | | |
| | " | " | " " | 9. Einlagen | " " | 300953 12 | 300953 | 12 | |
| | " | " | " " | Bezüge | " " | 113453 12 | | | |
| | " | " | " " | 10. Einlagen | " " | 13 03 | | | |
| | " | " | " " | Bezüge | " " | 19419 88 | | | |

Transport 2523350 64 2497110 16

Consortium O. Dollar-Conto 16.

| | | | | | Soll | Haben |
|--------|----|----------------|---------------------------|----|------------|------------|
| 34 | | | Transport | | 2523850 64 | 2497110 16 |
| II | 30 | Ladbg.Th.&Co. | Einlagen II.Quartal 1934. | 1 | | 23 57 |
| " | " | " | Bezüge | " | 1743 01 | |
| pt. 30 | | City Bank | Uebertrag | 3 | 67014 34 | |
| " | | Ladbg.Th.&Co. | Einlagen III.Quartal | 1 | | 4205 48 |
| " | " | " | Bezüge | 1 | 19954 15 | |
| " | " | " | Saldo | 1 | 1277 07 | |
| " | " | " | Loan Account | 9 | | 112500 -. |
| " | | Wertschr."Dep. | " | 9 | 1 -. | |
| " | | Cons.O. | " | 18 | | 1 -. |
| | | | | | 2613840 21 | 2613840 21 |

18.

Consortium O.

Dépôts

Soll Haben

1882

Deabr. 31 pro memoria lt. Dépôtsbuch 9

1884

Sept. 30 Uebertrag o/ Primar

1 -.

1/

Consortium O. Schw. Franken-Conto

| | | Soll | | | | Haben | | | |
|--------|----|-------------------|----|----------|--------------|-------|-----------|-----------|-------------|
| 1955 | | | | | | | | | |
| Juni | 50 | LaBog., Th. & Co. | 9 | Einlagen | II. Qu. 1955 | 9 | | 1,500,000 | - |
| Sept. | 50 | " | 10 | " | III. " | 10 | | 1,000,000 | - |
| " | " | " | " | Bauspar | " | " | 500,000 | - | |
| Dezbr. | 51 | " | 9 | " | IV. " | 9 | 1,500,000 | - | |
| " | " | " | 10 | " | " | 10 | 200,000 | - | |
| | | | | | | | 2,500,000 | - | 2,500,000 - |

Defendant's Exhibit 50

November 27, 1935

12/7

Swiss Federal Banking Commission
Berne

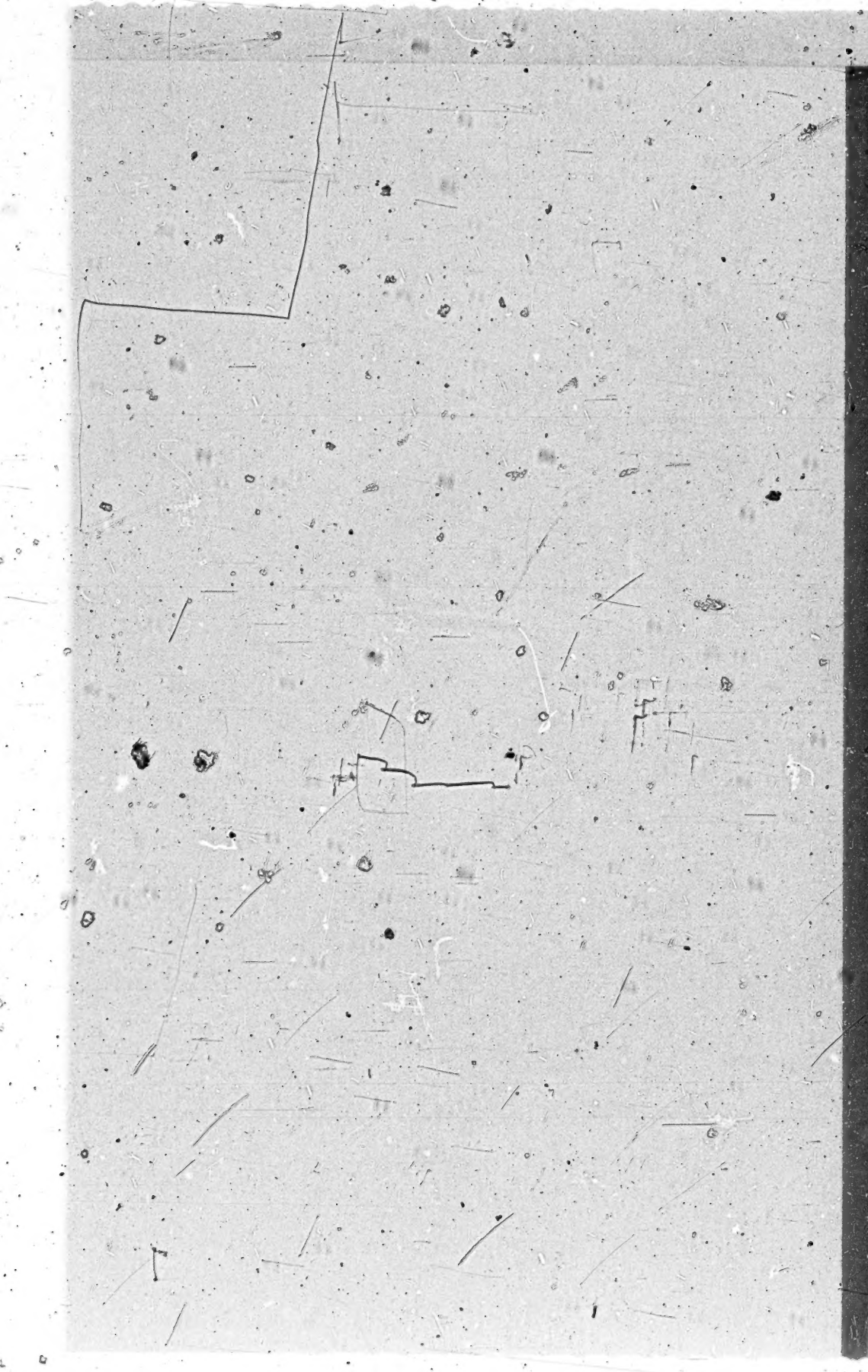
In reply to your letter of the 14th inst. we wish to inform you of the following:

1. The entire capital of our company comes from a single group which also has a controlling interest in the capital stock. Our company refuses categorically to accept any funds from third parties.

2. In keeping with this structure of our company all the corporations financed by us belong to the same concern and form one economic entity. Our company contemplates the purchase of majority holdings of stock of American corporations; however, it is engaged in a litigation with the American government in regard to a deposit of gold which the American government refuses to release.

Very truly yours,

Overseas Finance Corporation Ltd.



2223

Defendant's Exhibit 51

CABLEGRAM

1931 OCT 7 AM 7 43

CDM4 CABLE=RUESSELSHEIM 19 7/1145

JOHN THOMAS SMITH GENERALMEX (JOHN
THOMAS SMITH, CARE GENERAL MOTORS EX-
PORT CO)=NEWYORK (1773 BROADWAY)=

UNLESS ADVISED OTHERWISE TELEPHONING
YOU EIGHTH TEN AM NEWYORK STANDARD
TIME=

WILHELM VON OPEL

Defendant's Exhibit 52

October 20, 1931

City Bank Farmers Trust Company,
22 William Street,
New York, N. Y.

Gentlemen,

The General Motors Company will deliver to you some
time within the next two weeks 47625 shares of their Com-
mon Stock which is to be received by you for my father's
account, Wilhelm von Opel, with advice to him. Please
hold these temporarily subject to his further instructions.

Very truly yours,

(Sgd.) FRITZ V. OPEL

2224

Defendant's Exhibit 53

CABLEGRAM

CABLEGRAM RECEIVED FROM

DEUTSCHE BANK AND DISCONTO GESELLSCHAFT,
FRANKFURT A/M, GERMANY

NEW YORK, OCT. 21, 1931

P160 EHM 7.41 AM
SHIMGEOFSU

GEHEIMRAT DR WILHELM VON OPEL OF RUES-
SELSHEIM HAS INSTRUCTED US TO CABLE TO
YOU THAT THE FOLLOWING LETTER ADDRESSED
BY HIM TO YOUR BANK WAS POSTED TO DAY BY
US QUOTE UNTIL YOU HEAR FROM ME TO THE
CONTRARY YOU ARE HEREBY AUTHORIZED AND
REQUESTED TO ACT UPON ANY AND ALL IN-
STRUCTIONS WHICH MAY BE GIVEN YOU FROM
TIME TO TIME BY MY SON FRITZ VON OPEL FIRST
REGARDING THE SALE OF SHARES OR BONDS
OR OTHER SECURITIES WHICH YOU MAY HOLD
FOR ME AT ANY TIME PROVIDE PAYMENT IS
MADE TO MY ACCOUNT WITH YOU AND SECOND
REGARDING THE PURCHASE OF SHARES OR
BONDS OR OTHER SECURITIES SAME AS RE-
GARDING PAYMENT TO BE MADE FROM MY AC-
COUNT AGAINST RECEIPT OF SUCH SHARES
BONDS OR OTHER SECURITIES PURCHASED FOR
MY ACCOUNT SIGNED DR WILHELM VON OPEL
UNQUOTE WE CONFIRM THE CONTENTS OF
THIS LETTER AS WELL AS THE SIGNATURE OF
GEHEIMRAT DR WILHELM VON OPEL

2225

Defendant's Exhibit 54

[EXCERPTS]

INCOME

CUSTODIAN

FRITZ VON OPEL

TRUST NO 155
 DUP STMTS
 PRINC STMT WITH REMITTANCE
 MAIN ACCOUNT

| Trust No. | Date | Items | Debit | Credit |
|-----------|-------|---|-----------|--------|
| | 1932 | | | |
| 15599I | JAN 6 | PAID CUSTODIAN FRITZ VON OPEL SPECIAL A/C | 2 926 21 | |
| 15599I | JAN 6 | PAID CUSTODIAN FRITZ VON OPEL PRINCIPAL A/C | 11 704 87 | |
| 15599I | EEB 6 | CRED CUSTODIAN FRITZ VON OPEL SPECIAL A/C | 1 661 84 | |
| DO | DO | CREDIT CUST FRITZ VON OPEL PRINC | 6 647 36 | |
| 15599I | MAR 7 | CREDIT CUST FRITZ VON OPEL SPEC A/C 15599B | 637 50 | |
| | | CREDIT CUST FRITZ VON OPEL PRINC A/C 15599 | 2 550 00 | |
| 15599P | APR 6 | PAID CUST FRITZ VON OPEL SPEC A/C 15599B | 6 278 50 | |
| | | PAID CUST FRITZ VON OPEL PRINC A/C 15599 | 25 714 62 | |
| 15599I | MAY 6 | CREDIT CUST FRITZ VON OPEL SPEC A/C 15599B | 161 40 | |
| | | CREDIT CUST FRITZ VON OPEL PRINC A/C 15599 | 645 60 | |